

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO : 27715 of 1995

Between:

Sri Balaji Fruits and Vegetables Co-operative Vendors Society Ltd.,
Venkatesa Nagar, 2nd N.C. Behind Tiruapti Town, bearing S.S.No.663, rep. by its
Vice President, P. Anand.

..... PETITIONER

AND

- 1 District Collector,
Chittoor.
- 2 Joint Collector,
Chittoor.
- 3 Revenue Divisional Officer,
Chandragiri, Tirupathi.
- 4 Mandal Revenue Officer, Tirupati Urban Mandalam,
Tirupathi.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, direction or order preferably in the nature of Mandamus declaring the threat of eviction offered by the 4th respondent on 4-12-1995 in directing the petitioner's members to vacate their huts situate in survey No. 74/2 in the village accounts of Akkarampalle within Tirupati Urban Mandalam, each in an extent of 0.02 ½ cents as illegal and void being violative of Articles 14, 21 and 300-A of the Constitution and also violative of principles of natural justice, without any notice of eviction and also the principles of promissory estoppel and doctrine of legitimate expectation and further declare the non-consideration of the representation made to the respondents 3,1 and 2 as bad in law and forbid the respondents from proceeding

in any manner in evicting the members of the petitioner's Association from their huts.

Counsel for the Petitioner: MR.A.T.M.RANGARAMANUJAM

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

The Court made the following :

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

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WRIT PETITION NO.27715 of 1995

ORDER:

This writ petition is filed by the petitioner seeking a direction in the nature of writ of mandamus, to declare the action of the 4th respondent in directing the petitioner's members to vacate their huts situate in survey No. 74/2 of Akkarampalle within Tirupati Urban Mandalam, each in an extent of 0.02 ½ cents as illegal and void; to declare the action of the respondents in not considering their representation as bad in law; and forbid the respondents from proceeding in any manner in evicting the members of the petitioner's Association from their huts.

The case of the petitioner is that its members have been granted house sites by the then Tahsildar, Chandragiri Taluk in plots 1 to 174 situate in Survey No.74/2 and they constructed huts therein. While so, the 4th respondent at the instance of one P. Parthasarathy Reddy, who belongs to Telugu Desam Party, has been

threatening the members of the petitioner-society to evict them. Hence, the writ petition.

The learned Counsel for the petitioner reiterating the contentions raised in the affidavit filed in support of the writ petition, contended that the action of the respondents in interfering with their peaceful possession and enjoyment over the plots being enjoyed by them, is illegal and it warrants interference of this Court. On the other hand, the learned Counsel for the respondents contended that no pattas were granted to the members of the petitioner-society and they were never in possession and enjoyment of the same and that the petitioner and its members forcibly occupied the land in question after obtaining interim order in WPMP 34208 of 1995, dated 29.12.1995 and that there are disputes pending with regard to the land in question in various settlement Courts and therefore, the writ petition is liable to be dismissed.

On a perusal of the record, it is apparent that some disputes are pending with regard to the lands in question. The averments of the writ petition are purely civil in nature. In this view of the matter, this Court cannot invoke its jurisdiction under Article 226 of the Constitution of India and I see no merits in this writ petition.

Accordingly, the Writ petition is dismissed. No costs. However, the parties are at liberty to agitate their rights before the appropriate forum.

Justice T. Meena Kumari

Dated: 24.3.2005

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Copy to:

1. The District Collector, Chittoor.
2. The Joint Collector, Chittoor.
3. The Revenue Divisional Officer, Chandragiri, Tirupathi.
4. The Mandal Revenue Officer, Tirupati Urban Mandalam,
Tirupthi.
5. Two C.Cs to the Government Pleader for Revenue, High Court
Buildings, High Court of A.P., Hyderabad. (O.U.T.)
6. Two C.D. Copies.